

POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioners met in regular session on Tuesday, October 11th, 2011. Present were Commissioners Vicki Meadows and Delane Anderson. Commissioner Ron Funk appeared via speaker telephone. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney F. Randall Kline.

COMMISSIONER AGENDA (I.C. #67-2343): Following a review of I.C. #67-2343, and good cause appearing therefore, it was moved by Commissioner Meadows, seconded by Commissioner Anderson, to amend the October 11th, 2011, Commissioner Agenda to include the following items:

Mountain States Transmission Intertie (MSTI) – U.S. Department of Interior
Cassia/Power Joint Task Force Letter
Power County Building & Grounds – 528 Gifford
Power County Building & Grounds – 276 Roosevelt (Parcel #RPA0812-00)

Carried.

EXECUTIVE SESSION (I.C. #67-2345): At the request of Great Rift Business Development Director Kristen Jensen, it was moved by Commissioner Meadows, seconded by Commissioner Anderson, to move into executive session pursuant to I.C. #67-2345 to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye
Commissioner Funk – Aye
Commissioner Anderson – Aye

Carried.

POWER COUNTY COMMUNICATIONS – TABLE MOUNTAIN REPEATER SITE: Following discussion with Power County's Table Mountain Project Director Ken Estep, it was moved by Commissioner Meadows, seconded by Commissioner Anderson, to approve and execute a letter to the Idaho Department of Homeland Security requesting connectivity to the State of Idaho's master site in Meridian Idaho, which could be accomplished through a Motorola PTP 49600 connector link between Table Mountain and Paps Mountain. Carried.

POWER COUNTY SHERIFF – POWER COUNTY PERSONNEL MANUAL: Following discussion with Power County Sheriff Jim Jeffries, it was moved by

Commissioner Meadows, seconded by Commissioner Funk, to amend Section VIII(C)(3) of the Power County Personnel Manual to add the following additional language:

“Because the Sheriff’s Office must be staffed 24 hours per day, 365 days per year and most employees work a rotating shift, holiday compensation will be handled in the following manner:

- with regard to County recognized holidays, employees who work a shift on a holiday will receive their regular pay plus 8 hours of compensatory time.
- No compensation or compensatory time will be given to an employee who is on a regularly scheduled day off during a holiday.”

Carried.

POWER COUNTY SHERIFF – SURPLUS COUNTY PROPERTY: Following discussion with Power County Sheriff Jim Jeffries, it was moved by Commissioner Meadows, seconded by Commissioner Anderson, to declare the following items as surplus County property, each with a value of less than \$250, to be disposed of in accordance with Idaho Law as deemed appropriate by Power County Sheriff Jim Jeffries, to-wit:

Kustom Eagle Plus Radar Unit, Serial #E10042
Kustom Eagle Plus Radar Unit, Serial #E10089
Kustom Eagle Plus Radar Unit, Serial #E10114
Kustom Eagle Plus Radar Unit, Serial #E10120
MPH KX Band Radar Unit, Serial #K55267001722

Carried.

POWER COUNTY WEED DEPARTMENT – CAPITAL PURCHASE: Following discussion, it was moved by Commissioner Funk, seconded by Commissioner Meadows, to approve the purchase of a 2008 Ford F250 Crew Cab Pickup, VIN #1FTSW21518EA24416, from the State of Idaho’s Federal Surplus Property Program in the amount of \$13,750, to be paid from the Power County Weed Department’s fiscal year 2011 Capital Vehicle account. Carried.

POWER COUNTY TRANSFER STATION/LANDFILL – EQUIPMENT PURCHASE: Jim Betty of Western States Equipment appeared before the Commissioners to discuss the purchase of a compactor by the Power County Transfer Station/Landfill. At the outset, Commissioner Anderson reported that Western States Equipment has determined that Power County’s current compactor is unsafe to operate, cost prohibitive to repair, and may not be the optimum equipment for landfill uses. Mr. Betty then presented the Commissioners with a quote to purchase a new 963D Caterpillar Waste Handler in the amount of \$287,806.48, which is designed with load, carry and compact applications that

would handle Power County's waste much more effectively and efficiently without the need for any additional equipment. Following discussion, the Commissioners requested that Mr. Betty investigate the availability of rebuilt and/or used Caterpillar Waste Handlers and further consideration of this matter was tabled until Monday, October 24th, 2011.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Meadows, seconded by Commissioner Anderson, to move into executive session pursuant to I.C. #67-2345, to consider records that are exempt from disclosure under Chapter 3, Title 9, Idaho Code, specifically indigent medical applications. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye
Commissioner Funk – Aye
Commissioner Anderson – Aye

Carried.

INDIGENT CASE #2011-16-I: Moved by Commissioner Meadows, seconded by Commissioner Anderson, to deny indigent medical application #2011-16-I, since no applications were filed in a timely manner as provided by I.C. #31-3503(5)(a)(1). Carried.

INDIGENT CASE #2012-09-I: Moved by Commissioner Meadows, seconded by Commissioner Anderson, to approve indigent medical application #2012-09-I. Carried.

INDIGENT CASE #2012-14-I: Moved by Commissioner Meadows, seconded by Commissioner Anderson, to deny indigent medical application #2012-14-I, since applicant has other resources sufficient to pay the medical expenses incurred as provided by I.C. #31-3502. Carried.

INDIGENT CASE #2012-17-I: Moved by Commissioner Meadows, seconded by Commissioner Anderson, to deny indigent medical application #2012-17-I, since applicant is not a resident of Power County or the State of Idaho as provided by I.C. #31-3505(22). Carried.

POWER COUNTY INDIGENT SERVICES – ACCOUNTS RECEIVABLE: Power County Chief Deputy Clerk Linda Annen appeared before the Commissioners to present a copy of the Customer Balance Summary Report of “past due” receivable accounts for indigent medical services as of September 30th, 2011. Following discussion, the Commissioners agreed that no accounts are uncollectible or need to be “written off” at this time. Following further discussion, it was moved by Commissioner Meadows, seconded by Commissioner Anderson, to approve the Power County Indigent accounts receivable report as presented. Carried.

ARBON VALLEY HERD DISTRICT: Power County Prosecuting Attorney Randy Kline appeared before the Commissioners to discuss the Arbon Valley Herd District, which was established by the Board of Power County Commissioners on July 27th, 1918 (Book 1, Page 358). At the outset, Prosecuting Attorney Kline reported that he will be giving written notice to all affected residents that the Arbon Valley Herd District must be restructured and organized in order to enforce the provisions of I.C. #25-2401, et seq.

POWER COUNTY RURAL ADDRESS SYSTEM (IDAHO ENHANCED 911) – FORT HALL INDIAN RESERVATION: Power County Prosecuting Attorney Randy Kline appeared before the Commissioners to present a draft copy of the written notice to all households within the common boundaries of Power County and the Fort Hall Indian Reservation that obtaining a “new address” under the Shoshone-Bannock Tribe’s proposed enhanced 911 system is not necessary, and may ultimately be detrimental to the health, safety and welfare of the many non-tribal residents in that area when an E-911 emergency call is required. Following discussion, Prosecuting Attorney Kline reported that the notices would be mailed before the end of the week.

SOUTHEASTERN DISTRICT HEALTH DEPARTMENT – FORT HALL INDIAN RESERVATION (SEWAGE DISPOSAL REGULATIONS): Power County Prosecuting Attorney Randy Kline appeared before the Commissioners to review the memorandum from the Idaho Department of Environmental Quality to the Southeastern District Health Department dated September 8th, 2011, giving official notice that, effective immediately, the Shoshone-Bannock Tribes shall have concurrent authority and jurisdiction, along with the State of Idaho, to regulate subsurface sewage disposal systems within the boundaries of the Fort Hall Indian Reservation, including those systems of non-tribal members located on non-tribal member owned lands, and directing the Health Department to refer those persons seeking sewage disposal permits to the Tribes. Following discussion, the Commissioners instructed Prosecuting Attorney Kline to make a formal written request to the State of Idaho’s Director of Environmental Quality Toni Hardesty, that the memorandum be withdrawn until Power County’s input, objections and concerns have been properly and publically addressed, with copies of said request to be provided to Idaho Governor C.L. “Butch” Otter and Attorney General Lawrence Wasden. Following further discussion, the Commissioners instructed Prosecuting Attorney Kline to provide written notice to all households within the common boundaries of Power County and the Fort Hall Indian Reservation that any and all sewage permits must be obtained in accordance with Power County Code.

POWER COUNTY BUILDING & GROUNDS – ZIMMERMAN FARM LEASE: Commissioner Funk reported that he had been contacted by David Zimmerman regarding the Farm Lease Agreement for 73.4 farmable acres of County property, which Lease Agreement will expire on November 1st, 2014. Commissioner Funk further reported that Mr. Zimmerman misunderstood the sub-lease provision and intends to personally operate these farmable acres throughout the remainder of the lease.

COMMISSIONER MINUTES: Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the Power County Commissioner Minutes for September 13th, 26th, 27th and 30th, 2011, as presented. Carried.

POWER COUNTY TREASURER – TAX DEEDS: Power County Treasurer Deanna Curry appeared before the Commissioners to present copies of the Tax Deeds prepared on the following parcels, which will be executed and recorded this date:

Parcel #RPA0331-08
Lots 15 & 16, Block 73, American Falls Original Townsite, 558 Arthur

Parcel #RPD1383-00
Bare Ground located in SW ¼ NW ¼ Section 33, Township 8 South, Range 31 E.B.M.

Parcel #RPD1382-00
Bare Ground located in SW ¼ NW ¼ Section 33, Township 8 South, Range 31 E.B.M.

Following discussion, the Commissioners instructed Power County Prosecuting Attorney Randy Kline to investigate the occupancy status of Parcel #RPA0331-08, and this matter was tabled until October 24th, 2011.

CLAIMS: Moved by Commissioner Anderson, seconded by Commissioner Meadows, to approve the claims as presented, amended and supplemented. Carried.

Current Expense	\$ 89,609.37
Ambulance District	148,607.70
Abatement District	16,060.00
District Court	3,965.99
Justice Fund	42,734.48
Misdemeanor Probation/Drug Court	1,534.00
Enhanced 911 Services	1,670.13
Elections	30.07
Indigent	1,255.85
Revaluation	3,875.56
Solid Waste	12,765.85
Tort	31,595.00
Weeds	12,083.62
Waterways	30.57
PILT	52,991.95

MOUNTAIN STATES TRANSMISSION INTERTIE (MSTI): Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the joint letter of Power and Cassia Counties and the corresponding Citizens' Task Force groups to the U.S. Department of Interior requesting that the Mountain States Transmission Intertie (MSTI) project be reassigned to an alternate Project Manager, upon the condition that the joint letter is also approved by all parties thereto. Carried.

GATEWAY WEST TRANSMISSION LINE: Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the joint letter of Power and Cassia Counties and the corresponding Citizens' Task Force groups to the Idaho Public Utilities Commission objecting to any rate increase proposed by Idaho Power to recover costs incurred, or generate funding for, the Gateway West Transmission Line project, upon the condition that the joint letter is also approved by all parties thereto. Carried.

FISCAL YEAR 2012 – AUTHORIZED FUND TRANSFERS: Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the following budgeted fiscal year 2012 fund transfers:

\$5,000 from Current Expense (General) Fund to Sick Leave Bank Fund
\$28,000 from Current Expense (General) Fund to Election Fund

Carried.

POWER COUNTY BUILDING & GROUNDS – SNOW REMOVAL: The Commissioners reviewed the quote received for snow removal at the Power County Courthouse and Annex during the upcoming winter season. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and accept the quote submitted by ABC Snow Removal in the amount of \$225.00 per service. Carried.

POWER COUNTY CLERK – FISCAL YEAR 2011 AUDIT (DEATON & COMPANY): Power County Clerk & Auditor Christine Steinlicht appeared before the Commissioners to report that Power County Fiscal Year 2011 has been fully balanced and will be formally closed on October 25th, 2011, after which the initial audit information will be provided to Charles Clark and Brandi Young at Deaton & Company.

CLOUD SEEDING – POWER COUNTY: Following discussion, Commissioner Meadows agreed to contact Power County Weed Department Supervisor Curtis Munk to discuss the cloud seeding operation in Power County for the upcoming snow season.

POWER COUNTY TRANSFER STATION/LANDFILL – ACCOUNTS RECEIVABLE: Power County Transfer Station/Landfill Supervisor Craig Heward appeared before the Commissioners to review the Power County Landfill's Customer Balance Summary of accounts receivable as of September 30th, 2011. Following discussion, the Commissioners agreed that no accounts are uncollectible or need to be "written off" at this time. Following further discussion, it was moved by Commissioner Meadows, seconded by Commissioner Anderson, to approve receivable report as presented. Carried.

POWER COUNTY CONFLICT PUBLIC DEFENDER – RESIGNATION: The Commissioners reviewed the written resignation of Benjamin Neilsen of the law firm Loveless, Neilsen & Loveless for Power County's conflict public defender services,

effective immediately. Following discussion, it was moved by Commissioner Meadows, seconded by Anderson, to appoint Jared A. Steadman of the law firm Merrill & Merrill, Chartered, who has been serving as deputy conflict public defender during Mr. Neilsen's recent absences, to fill in as Power County Conflict Public Defender until November 30th, 2010, under the same terms and conditions of that Agreement dated July 12th, 2010. Carried.

POWER COUNTY BUILDING & GROUNDS – CONCRETE DEMOLITION, BACKFILL & PAVING (CALL FOR BIDS): The Commissioners reviewed the quotes submitted for excavation, concrete and backfill work that needs to be done on County grounds adjacent to the Power County Courthouse. Following discussion, it was moved by Commissioner Anderson, seconded by Commissioner Meadows, to approve the quotes submitted by Eagle Rock Excavation in the total amount of \$1,742.50. Carried.

POWER COUNTY BUILDINGS & GROUNDS – 528 GIFFORD: Commissioner Anderson reported that he has been contacted by Power County resident Gary Thomson, who purchased the structure situated upon Power County Parcel #RPA1021-00, also known as 528 Gifford Avenue, at public auction on August 22nd, 2011, and has indicated that he will be unable to remove the structure prior to the October 11th deadline. Commissioner Anderson further reported that Mr. Thomson is also investigating alternatives, such as demolition of the structure at its current site or re-selling the structure upon the condition of immediate removal. Following discussion, the Commissioner agreed to discuss possible demolition of the structure with Great Basin Asbestos Services out of Blackfoot, Idaho, and further consideration of this matter was tabled until October 24th, 2011.

POWER COUNTY JUVENILE PROBATION DEPARTMENT – JAIBG GRANT (PARENT PROJECT): Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the JAIBG Project Award for Power County to operate the Parent Project Program during fiscal year 2012 in the amount of \$5,700, which requires \$633 in matching funds. Carried.

2011 REAPPORTIONMENT COMMITTEE – PUBLIC HEARINGS: Commissioner Meadows reported that she and Commissioner Anderson had attended the 2011 Reapportionment Committee's public hearing held in Idaho Falls on October 5th, 2011. Commissioner Meadows further reported that 2011 Reapportionment Committee has expressed their desire to approve and adopt a legislative district map within the next several weeks.

POWER COUNTY AMBULANCE DISTRICT: Moved by Commissioner Meadows, seconded by Commissioner Funk, to recess as Power County Board of Commissioners and reconvene as Power County Ambulance District Board. Carried.

AMBULANCE – DISPATCH GUIDELINES: Following discussion with Power County Sheriff Jim Jeffries, the Commissioners agreed to table further consideration of this matter until October 31st, 2011.

Moved by Commissioner Funk, seconded by Commissioner Anderson, to recess as Power County Ambulance District Board and reconvene as Power County Board of Commissioners. Carried.

POWER COUNTY PROSECUTING ATTORNEY/COMMISSIONERS – LITIGATION: Moved by Commissioner Anderson, seconded by Commissioner Meadows to approve and execute the Contract to Employ Legal Counsel Meyers Law Office, PLLC to represent and advise the Board of Power County Commissioners in all matters pertaining to Power County Case #CV-2011-248. Carried.

POWER COUNTY TREASURER – TAX DEEDED PARCEL (IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY): Commissioner Meadows announced that she had been contacted by Kristen Jensen of Great Rift Business Development, who has been advised by the Idaho Department of Environmental Quality that access to “Brownsfield Program” funding will be unavailable during the foreseeable future; accordingly, Power County’s application for an assessment to be performed to determine the particulate level of asbestos in and around the structure situated on Parcel #RPA0812-00 will be held in abeyance for an indefinite period. Following discussion, the Commissioners agreed to contact Great Basin Asbestos Services in Blackfoot, Idaho, to request that they update their initial asbestos study dated February 18th, 2009, and make recommendations for disposal and/or demolition. Further consideration of this matter was tabled until October 24th, 2011.

IDAHO ASSOCIATED TAXPAYERS OF IDAHO: Commissioner Meadows reported that the 65th Annual Conference of the Associated Taxpayers of Idaho has been scheduled for Thursday, December 1st, 2011, from 8:30 a.m. until 3:15 p.m. at the Boise Centre, downtown Boise.

Adjourned.


VICKI MEADOWS, Chairman


CHRISTINE STEINLIGHT, Clerk